



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: G. NOWAK et al.

Examiner: SANDRA E. SAUCIER

Serial No.: 09/890,654

Group Art Unit: 1651

Filed: November 5, 2001

Title: METHOD FOR DETERMINING THE CONCENTRATION OF THROMBIN INHIBITORS

REPLY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

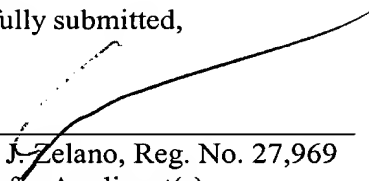
In response to the office action dated March 11, 2003, applicants elect, with traverse, Group II (claims 9-12) drawn to a first composition and a kit.


It is respectfully submitted that the subject matter of the claims does have unity of invention. For example, Group II is drawn to a kit that contains, e.g., the components for carrying out the method of Group I. Further, the claims of Groups I and II are disclosed as having common utilities (e.g., for determining the concentration of thrombin inhibitors in a body liquid). Nothing more is required. See *In re Harnisch*, 206 USPQ 300 (CCPA 1980). Therefore, at the very least, Groups I and II should be examined together. Furthermore, the Examiner has not established that a search of Groups I-III would present a serious burden. Absent a serious burden of examination, restriction is not proper. See M.P.E.P. §803. Thus, the requirement should be withdrawn.

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J. Meuser  
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The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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Date: April 9, 2003